

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

AMANDA UCHE AJULUCHUKU,

Plaintiff,

v.

KELLY SERVICES; UNIVERSITY OF  
WASHINGTON,

Defendants.

Case No. C04-2311(MJP)RBL

ORDER GRANTING DEFENDANT  
KELLY SERVICES' MOTION TO  
DISMISS

This matter is before the court on the Defendant Kelly Services' Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). [Dkt. #36]. The Court invited Plaintiff to respond to the Motion but she has not done so.

Defendant Kelly Services is a temporary employment agency. Ms. Ajuluchuku used Kelly in an attempt to obtain temporary employment as an accountant. Kelly arranged an interview with the University of Washington. On campus, Ms. Ajuluchuku fell and injured herself. She sued Kelly and the University in this Court, asserting negligence and discrimination claims.

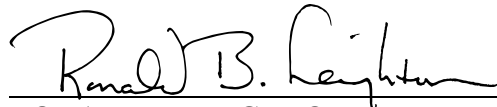
Kelly now seeks dismissal of the claims against it, arguing that Ajuluchuku was not an employee (and if she was, her claims in this court are barred by the Washington State Industrial Insurance laws, Chapter 51.04 RCW). It also argues that Ms. Ajuluchuku cannot assert a legally viable claim that Kelly was negligent in sending her to the interview, because she cannot show that it

1 owed her any duty with respect to the allegedly defective steps, or that any breach on the part of  
2 Kelly caused her injury. Ms. Ajuluchuku has not addressed any of these substantive arguments, and  
3 the Court agrees that the causes of action asserted are not viable under any reading of the Complaint.

4 It is hereby

5 **ORDERED** that Defendant Kelly Services Motion to Dismiss is **GRANTED**, and Plaintiff's  
6 claims against it are **DISMISSED WITH PREJUDICE**. The Plaintiff shall not attempt to re-file  
7 any case against Kelly Services arising from the allegations in this case, under penalty of contempt.

8 DATED this 27<sup>th</sup> day of June, 2005.

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11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
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